

14332/B  
RECORDATION NO. 14332/B FILED 1433

JAN 22 1990 -11 05 AM

INTERSTATE COMMERCE COMMISSION

December 21, 1989

Secretary  
Interstate Commerce Commission  
12th Street and Constitution Avenue, N.W.  
Washington, D.C. 20423  
Attn: Room 2303

0-022A034

Re: Document for Recordation

Dear Sir or Madam:

I have enclosed ~~two (2)~~ <sup>one (1)</sup> original documents <sup>and one (1) certified copy</sup> as described below, to be recorded pursuant to Section 11303 of Title 49 of the United States Code:

This document is a Release dated December 19, 1989, a secondary document. The primary document to which this Release is related is a Mortgage and Security Agreement dated May 23, 1984, recorded under Recordation No. 14332 on June 1, 1984, and amended by Amended Mortgage and Security Agreement, recorded under Recordation No. 14332-A on June 5, 1989.

The names and addresses of the parties to the documents are as follows:

Kentucky and Tennessee Railway, Inc.  
c/o Darrell Dwayne King  
448 Park Road  
Stearns, Kentucky 42647 (Mortgagor/Debtor)

Bank One, Lexington, N.A.  
(formerly known as Citizens Union National Bank and  
Trust Company)  
Bank One Square  
Vine and Upper Streets  
Lexington, Kentucky 40507 (Mortgagee/Secured Party)

A description of the equipment covered by the document follows:

- (a) One Model 539 diesel locomotive manufactured in 1943 by American Locomotive Company ("ALCO") with serial number

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70184 and Kentucky and Tennessee Railway number 101,  
with former Road No. D&RGW 110.

- (b) One Model 539 diesel locomotive manufactured in 1944 by ALCO with serial number 72051 and Kentucky and Tennessee Railway Number 102, with former Road No. D&RGW 118.
- (c) One Model 539 diesel locomotive, manufactured in 1944 by ALCO, with serial number 72052 and Kentucky and Tennessee Railway number 103, with former Road No. D&RGW 119.
- (d) One Model 539 diesel locomotive manufactured in 1949 by ALCO, with serial number 77816 and Kentucky and Tennessee Railway number 104, with former Road No. D&G 3028.

A fee of \$13.00 is enclosed. Please return the original and any extra copies not needed by the Commission for recordation to Elizabeth A. Galloway, Taft, Stettinius & Hollister, 1800 Star Bank Center, Cincinnati, Ohio, 45202.

A short summary of the document to appear in the index follows:

Release of Mortgage and Security Agreement dated May 23, 1984, and Amended Mortgage and Security Agreement dated April 15, 1989, between Kentucky and Tennessee Railway, Inc., c/o Darrell Dwayne King, 448 Park Road, Stearns, Kentucky, 42647; and Bank One, Lexington, N.A. (formerly known as Citizens Union National Bank and Trust Company), Bank One Square, Vine and Upper Streets, Lexington, Kentucky, 40507, and covering four model 539 diesel locomotives.

Very truly yours,  
BANK ONE, LEXINGTON, N.A.  
(formerly known as CITIZENS UNION  
NATIONAL BANK AND TRUST COMPANY)

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

*James A. Tuff, Jr.*  
James A. Tuff, Jr.  
Mgr., Corp. Lending

CERTIFICATE

RECORDATION NO. 143321B FILED 1488

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INTERSTATE COMMERCE COMMISSION

STATE OF OHIO                    )  
                                      ) SS:  
COUNTY OF HAMILTON            )

I, Elizabeth A. Galloway, a Notary Public in and for the State of Ohio, do hereby certify that I have compared the attached copy of Release with the original Release, and have found the copy to be complete and identical in all respects to the original document.

In witness whereof, I have executed this Certificate as of this 21st day of December, 1989.

Elizabeth A. Galloway  
Notary Public

ELIZABETH A. GALLOWAY, Attorney at Law,  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration  
date, Section 147.03 O.R.C.

EAG:FF  
cert/eag.eag

RELEASE

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INTERSTATE COMMERCE COMMISSION

BANK ONE, LEXINGTON, N.A., a national banking association formerly known as CITIZENS UNION NATIONAL BANK AND TRUST COMPANY, hereby certifies that the obligations secured by the documents listed below have been fully paid and satisfied, and the Interstate Commerce Commission is directed to cancel all of said documents of record:

1. Mortgage and Security Agreement dated May 23, 1984 between Kentucky and Tennessee Railway, Inc. and Citizens Union National Bank and Trust Company, and recorded with the Interstate Commerce Commission on June 1, 1984 as Recordation No. 14332.
2. Amended Mortgage and Security Agreement dated April 15, 1989 between Kentucky and Tennessee Railway, Inc. and Bank One, Lexington, N.A. (formerly known as Citizens Union National Bank and Trust Company), and recorded with the Interstate Commerce Commission on June 5, 1989 as Recordation No. 14332-A.

IN WITNESS WHEREOF, this instrument has been executed on the date of acknowledgement indicated below.

Signed and acknowledged  
in the presence of:

BANK ONE, LEXINGTON, N.A.  
(f/k/a Citizens Union National  
Bank and Trust Company)

Lana L. Holley  
Name: Lana L. Holley

By: [Signature]  
Name: James A. Tutt, Jr.  
Title: Mgr. Corp. Lending

Margie Appeldoorn  
Name: Margie Appeldoorn

STATE OF DY )  
 ) SS:  
COUNTY OF Wayne )

15th The foregoing instrument was acknowledged before me this day of December, 1989 by James A. Taft, Vice President of Bank One, Lexington, N.A., a national banking association formerly known as Citizens Union National Bank and Trust Company, on behalf of the association.

Walter D. Galloway  
Notary Public

My commission expires: 4/20/92

This instrument prepared by:

Elizabeth A. Galloway  
Elizabeth A. Galloway  
Taft, Stettinius & Hollister  
1800 Star Bank Center  
Cincinnati, Ohio 45202  
(513) 381-2838